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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JACQUELINE KOHLER, an individual,
Plaintiff,

vs.

GEICO CASUALTY COMPANY, a
Foreign Corporation; DOES I-X, inclusive;
ROE CORPORATIONS I-X, inclusive,
Defendants.

CASE NO.:2:20-cv-01467-RFB-EJY

**STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES
(FIRST REQUEST)**

Plaintiff, JACQUELINE KOHLER, by and through her attorneys, DEEVER CRAFTON, and Defendant, GEICO CASUALTY COMPANY, by and through its attorneys, WINNER & SHERROD, respectfully submit the following stipulation requesting a sixty (60) day extension of the current scheduling order deadlines pursuant to LR IA 6-1 and LR 26-3 and FRCP 26. This is the first stipulation to extend the discovery deadlines.

I. INTRODUCTION

This case involves a motor vehicle accident that occurred on February 15, 2019 between the vehicle of the tortfeasor and the vehicle that Plaintiff was operating, which was insured by Michael Douberley. At the time of the accident, Mr. Douberley was insured by a GEICO

1 automobile policy with UIM Benefits. Following the accident, Plaintiff made a claim with
2 GEICO for UIM benefits. GEICO extended an offer to resolve the claim, but the offer was not
3 accepted. Instead, Plaintiff commenced the instant lawsuit on July 7, 2020, alleging breach of
4 contract, breach of the covenant of good faith and fair dealing, bad faith, and violations of unfair
5 claims practices. On August 6, 2020, Defendant GEICO filed its Notice of Petition of Removal
6 and removed this matter to this Court. A Stipulated Discovery Plan and Scheduling Order was
7 entered on September 21, 2020.

8 **II. DISCOVERY STATUS**

9 On September 22, 2020, the Court entered the Stipulated Discovery Plan and Scheduling
10 Order, which set the following deadlines:

- 11 • Initial Disclosures: October 2, 2020
- 12 • Discovery Cut Off: April 5, 2021
- 13 • Motions to Amend Pleadings or Add Parties: January 5, 2021
- 14 • Disclosure of Expert Witnesses: February 2, 2021
- 15 • Rebuttal Expert Disclosures: March 2, 2021
- 16 • Dispositive Motions: May 5, 2021.
- 17 • Pretrial Order: June 4, 2021
- 18 • Pretrial Disclosures: Thirty days before Trial as required by FRCP 26(a)(3)(B).
- 19 • Extensions or Modifications of the Discovery Plan: No later than twenty-one (21) days
20 before the discovery cut-off date.

21 *1. Discovery that has been completed to date*

- 22 a. On October 2, 2020, Defendant served its FRCP 26(a)(1) Initial List of Witnesses
23 and Documents.
- 24 b. On October 20, 2020, Defendant served Interrogatories and Requests for
25 Production of Documents on Plaintiff.
- 26 c. On October 29, 2020, Plaintiff served her FRCP 26(a)(1) Initial List of Witnesses
27 and Documents.

- d. On November 5, 2020, Defendant served the Notice of Taking Deposition of Plaintiff Jacqueline Kohler.
 - e. On November 16, 2020, Defendant served Notice of Depositions Duces Tecum of the Custodian of Records of Allstate Insurance and Safeco Insurance.
 - f. On November 20, 2020, Defendant served Notice of Deposition Duces Tecum of the Custodian of Records of Bristol West Insurance.
 - g. On November 25, 2020, Plaintiff served responses to Defendant's Interrogatories and Requests for Production of Documents.
 - h. On November 30, 2020, Defendant served Notices of Vehicle Inspections for the vehicles of Clayton Conrad Bennett, Michael Douberley, and Yordanos Sebhatu.
 - i. On December 9, 2020, Defendant served its First Supplement to FRCP 26(a)(1) Initial List of Witnesses and Documents.
 - j. On December 17, 2020, Defendant conducted the referenced Vehicle Inspections.
 - k. On December 22, 2020, Defendant served Notice of Deposition Duces Tecum of the Custodian of Records on the Nevada Prescription Monitoring Program.
 - l. On December 23, 2020, Defendant served its Second Supplement to FRCP 26(a)(1) Initial List of Witnesses and Documents.
 - m. On January 5, 2021, Defendant served its Third Supplement to FRCP 26(a)(1) Initial List of Witnesses and Documents.
 - n. On January 6, 2021, Plaintiff served Interrogatories, Requests for Admissions, and Requests for Productions of Documents on Defendant.
 - o. On January 6, 2021, Defendant served its Second Requests for Production of Documents on Plaintiff.
 - p. Plaintiff responded to Defendant's Second Requests for Production of Documents on Plaintiff on January 14, 2021.
2. Discovery that remains to be completed
 - a. Defendant will respond to Plaintiff's Interrogatories, Requests for Admissions,

and Requests for Productions of Documents within the appropriate deadline.

b. Depositions of witnesses

c. Expert disclosures

d. Depositions of experts

e. Additional written discovery

f. Gathering of additional medical records and other documents

Any other discovery that the parties deem necessary given the time allowed in the schedule.

3. Pending Motions

Defendant's Motion for Partial Summary Judgment or, in the alternative, Motion to Bifurcate Plaintiff's extra-contractual cause of action is still pending before the Court.

III. REASONS WHY EXTENSION REQUIRED

This case involves a large volume of medical records and other documents. Plaintiff was involved in a subsequent accident on June 16, 2019, which followed the instant accident by only four months, thereby adding to the volume of medical records and documents involved in discovery. Plaintiff's deposition was originally scheduled for December of 2020, but at her request, it was moved to January 25, 2021. The current expert disclosure deadline is presently scheduled for February 2, 2021. The parties do not believe that this will afford the experts sufficient time to consider Plaintiff's deposition testimony in their opinions. Additionally, there are still medical records and other documents that are outstanding which the experts need to consider in formulating their initial opinions. The parties believe the additional sixty (60) days will be sufficient to accomplish the discovery necessary. This request is being submitted in a timely manner.

IV. PROPOSED SCHEDULE

- Discovery Cut Off: June 4, 2021
- Motions to Amend Pleadings or Add Parties: Deadline already passed and is now closed.
- Disclosure of Expert Witnesses: April 5, 2021
- Rebuttal Expert Disclosures: May 5, 2021

- Dispositive Motions: July 6, 2021
- Pretrial Order: August 5, 2021
- Pretrial Disclosures: Thirty days before Trial as required by FRCP 26(a)(3)(B).
- Extensions or Modifications or the Discovery Plan: No later than twenty-one (21) days before the discovery cut-off date.

The parties believe that the sixty (60) day extension of the deadlines in discovery is necessary and appropriate to provide sufficient time to finish the remaining discovery. The parties also believe good cause is demonstrated by the recited facts and in support of the extension.

DATED this 19th day of January 2021.

DEAVER CRAFTON

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ORDER

IT IS SO ORDERED this 19th day of January, 2021.


UNITED STATES MAGISTRATE JUDGE